
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1909 Session of
2019

INTRODUCED BY D. MILLER, GAINNEY, DELLOSO, WILLIAMS, KINSEY,
SCHLOSSBERG, ZABEL, LEE, A. DAVIS, SHUSTERMAN, YOUNGBLOOD,
CALTAGIRONE, MULLERY, FRANKEL, FLYNN, CEPHAS, HOHENSTEIN,
MADDEN, RABB, FIEDLER AND HOWARD, OCTOBER 15, 2019

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 15, 2019

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, in higher education, providing for intercollegiate
3 athletics.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 24 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 67

9 INTERCOLLEGIATE ATHLETICS

10 Sec.

11 6701. Scope of chapter.

12 6702. Legislative intent.

13 6703. Definitions.

14 6704. Compensation regarding college athlete's name, image or
15 likeness rights or athletic reputation.

16 6705. Professional representation.

17 6706. Scholarships.

1 6707. Contracts.

2 6708. Violations and claims.

3 6709. Settlements.

4 6710. Conflicts.

5 6711. Severability.

6 § 6701. Scope of chapter.

7 This chapter relates to college athlete compensation and
8 professional representation.

9 § 6702. Legislative intent.

10 The General Assembly finds and declares as follows:

11 (1) The Commonwealth seeks to help ensure that college
12 athletes have equal rights and economic freedoms afforded to
13 all students and residents in this Commonwealth.

14 (2) The Commonwealth recognizes the disproportionate
15 negative impact that economic and legal restrictions have on
16 African American and female college athletes.

17 (3) College sports is a \$14 billion dollar industry with
18 millionaire coaches and lucrative apparel deals that require
19 college athletes to advertise for commercial interests.

20 (4) Rules prohibiting college athlete compensation for
21 the use of name, image and likeness rights do not bring forth
22 competitive equity and cannot justify denying college
23 athletes equal rights and economic freedom.

24 § 6703. Definitions.

25 The following words and phrases when used in this chapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Athlete agent." As defined in 5 Pa.C.S. § 3102 (relating to
29 definitions).

30 "College athlete." A student of an institution of higher

1 education who participates in intercollegiate athletics.

2 "Institution of higher education." As follows:

3 (1) Any of the following:

4 (i) A university within the State System of Higher
5 Education.

6 (ii) The Pennsylvania State University, the
7 University of Pittsburgh, Temple University, Lincoln
8 University or any other institution designated as State-
9 related by the Commonwealth.

10 (iii) The Thaddeus Stevens College of Technology.

11 (iv) A college established under Article XIX-G of
12 the act of March 10, 1949 (P.L.30, No.14), known as the
13 Public School Code of 1949.

14 (v) An institution of higher education located in
15 and incorporated or chartered by the Commonwealth and
16 entitled to confer degrees as set forth in section 6505
17 (relating to power to confer degrees) and as provided for
18 by the standards and qualifications prescribed by the
19 State Board of Education under Chapter 65 (relating to
20 private colleges, universities and seminaries).

21 (vi) A private school licensed under the act of
22 December 15, 1986 (P.L.1585, No.174), known as the
23 Private Licensed Schools Act.

24 (vii) A foreign corporation approved to operate an
25 educational enterprise under 22 Pa. Code Ch. 36 (relating
26 to foreign corporation standards).

27 (2) The term shall not include a community college
28 operating under Article XIX-A of the Public School Code of
29 1949.

30 "NCAA." The National Collegiate Athletic Association.

1 § 6704. Compensation regarding college athlete's name, image or
2 likeness rights or athletic reputation.

3 (a) Prohibition regarding institutions of higher
4 education.--An institution of higher education may not uphold a
5 rule, requirement, standard or other limitation that prevents a
6 college athlete of the institution of higher education from
7 fully participating in intercollegiate athletics and earning
8 compensation as a result of the use of the college athlete's
9 name, image, likeness rights or athletic reputation.

10 (b) Prohibitions regarding intercollegiate athletic
11 entities.--An athletic association, conference or other group or
12 organization with authority over intercollegiate athletics,
13 including, but not limited to, the NCAA, may not:

14 (1) Prevent a college athlete from fully participating
15 in intercollegiate athletics without penalty and earning
16 compensation as a result of the college athlete's name,
17 image, likeness rights or athletic reputation.

18 (2) Prevent an institution of higher education from
19 fully participating in intercollegiate athletics without
20 penalty as a result of a college athlete's use of the college
21 athlete's name, image, likeness rights or athletic
22 reputation.

23 § 6705. Professional representation.

24 (a) Prohibitions.--

25 (1) An institution of higher education, athletic
26 association, conference or other group or organization with
27 authority over intercollegiate athletics, including, but not
28 limited to, the NCAA, may not interfere with or prevent a
29 college athlete from fully participating in intercollegiate
30 athletics for obtaining professional representation in

1 relation to contracts or legal matters, including, but not
2 limited to, representation provided by athlete agents or
3 financial advisors or legal representation provided by
4 attorneys.

5 (2) An athletic association, conference or other group
6 or organization with authority over intercollegiate
7 athletics, including, but not limited to, the NCAA, may not
8 prevent an institution of higher education from fully
9 participating in intercollegiate athletics without penalty as
10 a result of a college athlete obtaining professional
11 representation in relation to contracts or legal matters,
12 including, but not limited to, representation provided by
13 athlete agents or financial advisors or legal representation
14 provided by attorneys.

15 (b) Qualifications.--Professional representation obtained by
16 a college athlete shall be from a person:

17 (1) acting as an athlete agent in accordance with 5
18 Pa.C.S. Ch. 33 (relating to registration);

19 (2) acting as a financial advisor in accordance with the
20 laws of this Commonwealth; or

21 (3) admitted to practice law by a court of record of
22 this Commonwealth.

23 § 6706. Scholarships.

24 (a) Eligibility.--Earning compensation from the use of a
25 college athlete's name, image, likeness rights or athletic
26 reputation shall not affect the college athlete's scholarship
27 eligibility or renewal.

28 (b) Compensation.--

29 (1) For purposes of this chapter, an athletics grant-in-
30 aid or stipend scholarship from an institution of higher

1 education in which a college athlete is enrolled is not
2 compensation for use of a college athlete's name, image,
3 likeness rights or athletic reputation.

4 (2) An athletics grant-in-aid or stipend scholarship may
5 not be revoked or reduced as a result of a college athlete
6 earning compensation under this chapter.

7 § 6707. Contracts.

8 (a) Conflict with team contract.--

9 (1) A college athlete may not enter into an apparel
10 contract providing compensation to the college athlete for
11 use of the college athlete's name, image or likeness rights
12 that requires the college athlete to display a sponsor's
13 apparel or otherwise advertises for the sponsor during
14 official team activities, if a provision of the contract is
15 in conflict with a provision of the college athlete's team
16 contract.

17 (2) An institution of higher education asserting a
18 conflict described in paragraph (1) shall disclose to the
19 college athlete or the college athlete's professional
20 representative or other agent, if applicable, the full
21 contract that the institution of higher education asserts to
22 be in conflict.

23 (b) Disclosure.--A college athlete who enters into a
24 contract providing compensation to the college athlete for use
25 of the college athlete's name, image or likeness rights shall
26 disclose the contract to an official of the institution of
27 higher education, to be designated by the institution of higher
28 education.

29 (c) Periods of official team activities.--

30 (1) Subject to paragraph (2), a team contract of an

1 institution of higher education's athletic program shall not
2 prevent a college athlete from receiving compensation for
3 using the college athlete's name, image or likeness rights
4 for a commercial purpose when the college athlete is not
5 engaged in official team activities.

6 (2) Paragraph (1) shall apply only to contracts entered
7 into, modified or renewed on or after the effective date of
8 this subsection.

9 § 6708. Violations and claims.

10 A college athlete, institution of higher education,
11 conference or State or local prosecutor seeking to prosecute a
12 person violating this chapter shall not be deprived of any
13 protections provided under State law with respect to a
14 controversy that arises in this Commonwealth and shall have the
15 right to adjudication in this Commonwealth a claim that arises
16 in this Commonwealth.

17 § 6709. Settlements.

18 Legal settlements made on or after the effective date of this
19 section shall not permit noncompliance with this chapter.

20 § 6710. Conflicts.

21 Any provision of an existing statute that conflicts with a
22 provision of this chapter shall be void.

23 § 6711. Severability.

24 The provisions of this chapter shall be severable. If any
25 provision of this chapter or the application of any provision of
26 this chapter is held to be invalid, that invalidity shall not
27 affect any other provision or application of any other provision
28 that can be given effect without the invalid provision or
29 application.

30 Section 2. This act shall take effect July 1, 2020.